

For the Ninth Circuit

David Stebbins

vs
Microsoft, inc

Case No. 12-35082

Plaintiff
AppellantDefendant
AppelleeMotion to Stay Proceedings

Comes now, pro se Appellant David Stebbins, who hereby submits the following motion to stay proceedings in this case.

A similar case to this one has just been concluded by the 8th Circuit. It was case no. 11-3639 in that ~~case~~ ~~Stebbins~~ Court, case of Stebbins v. Reliable Heat & Air, LLC.

I intend to appeal that case to the Supreme Court, and I expect the petition to be granted, as there is a large circuit split on that issue.

A ruling in that case could instantly dispose of this one. One of the questions to be presented is... can a motion to confirm an arbitration award be denied for any reason other than a previously-granted motion to vacate or modify an arbitration award?

There is a precedent for this sort of thing. In the 2004 case of Tennessee v. Lane, the Supreme Court noted that the Sixth Circuit held the case in abeyance until SCOTUS ruled on the ~~case~~ 2001 case of Board of Trustees of Univ. of AL v. Garrett. Therefore, this court would not be out of line if it ordered this stay.

If this Court wishes to be satisfied as to the existence of a circuit split on this issue, wait until the cert petition is filed with SCOTUS. I do not have the cases right now, but I have contacted Goldstein & Russell to request pro bono representation. If they decline representation, I will request that the things I sent them be returned to me so I can represent myself, doing it. This will include the Circuit Split, since I explained it to them in my letter requesting their assistance. Right now, suffice it to say, there are nine courts which side with me on this issue, and six that don't! That is a BIG circuit split!

Therefore, I request that this case be paused until such time as the Supreme Court rules dispositively on the related case.

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MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

AUG 13 2012

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* the same arbitration award. Sorry for the typo.

